

EXHIBIT B

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STARKIST CO.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WARREN GARDNER, et al., on behalf of
Themselves and all others similarly situated,

Plaintiffs,

v.

STARKIST CO., a Delaware Corporation,

Defendant.

Case No. 3:19-cv-02561-WHO

**STARKIST CO.'S RESPONSES AND
OBJECTIONS TO PLAINTIFFS'
REVISED FIRST SET OF REQUESTS
FOR PRODUCTION OF
DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Defendant StarKist Co. (“StarKist”) hereby responds and objects to Plaintiffs’ Revised First Set of Requests for Production of Documents served by electronic mail on September 25, 2020 (the “Requests”) as follows:

PRELIMINARY STATEMENT

1. These responses and objections are based on StarKist’s interpretation and understanding of the individual Requests and its investigation to date, its knowledge, and its belief. Pursuant to Rule 26(e) of the Federal Rules of Civil Procedure, StarKist expressly reserves the right to augment, amend, or supplement these responses and objections as necessary, including based on additional or different information that further investigation or discovery may disclose.

2. StarKist’s responses and objections to the Requests are made solely for the purpose of and in relation to the above-captioned action (the “Action”) and on the express condition that such information shall not be used or disclosed for any other purpose. To the extent StarKist provides any information or produces any documents in response to the Requests, it will do so in accordance with the Stipulated Protective Order that the Court entered on April 16, 2020 (Dkt. No. 96).

3. StarKist reserves the right to refer to, to conduct discovery with reference to, or to offer into evidence at the time of trial, any and all facts, evidence, documents, and things developed during the course of discovery and trial preparation, notwithstanding the reference to facts, evidence, documents, and things in these responses.

4. StarKist’s responses and objections are made without waiving or intending to waive any objection(s).

GENERAL OBJECTIONS

1. StarKist objects to the Requests based on the Court’s June 4, 2020 Order on Discovery Dispute in the related case *Duggan v. Tri-Union Seafoods LLC*, Case No. 3:19-cv-02562-WHO (*Duggan* Dkt. No. 74) (the “Discovery Order”). Specifically, StarKist objects to the extent Plaintiffs’ Requests are in violation of the Court’s Discovery Order

1 holding that the “only label at issue in [this Action] is the dolphin-safe label” and that
2 discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin
3 harm and/or dolphin mortality.”

4 2. StarKist objects to the Requests to the extent they impose obligations and
5 demands upon StarKist beyond those contemplated by the Federal Rules of Civil
6 Procedure, the applicable Local Rules, or any order or ruling by the Court in this case.

7 3. StarKist objects to the Requests to the extent they seek documents or
8 information that is not in StarKist’s possession, custody, or control. StarKist further objects
9 to the Requests to the extent that they purport to require StarKist to conduct anything
10 beyond a reasonable and diligent search for responsive documents or information where
11 such documents or information would reasonably be expected to be found.

12 4. StarKist objects to the Requests to the extent they seek the production of
13 documents or disclosure of information protected by any applicable privilege, including but
14 not limited to the attorney-client privilege, common-interest privilege, the work-product
15 doctrine or immunity, and any other applicable privilege, immunity, or exemption from
16 discovery as outlined in the Federal Rules of Civil Procedure, Local Rules, any order or
17 ruling by the Court in this case, and applicable law. To the fullest extent allowable under
18 Federal Rule of Evidence 502 and any other applicable law, inadvertent production of any
19 such documents or disclosure of any such information shall not constitute a waiver of any
20 privilege with respect to the documents produced or information disclosed or the subject
21 matter thereof, or a waiver of StarKist’s right to object to the use of any such documents or
22 information during trial or any subsequent proceeding or to demand the return of any
23 documents or information so disclosed.

24 5. StarKist objects to the Requests to the extent they seek trade secrets,
25 sensitive business information, or other information that is proprietary and/or confidential,
26 including documents or information deemed confidential pursuant to a confidentiality
27 agreement or other arrangements or protected from production or disclosure pursuant to
28 court order. StarKist will not disclose information or produce documents that are subject to

1 confidentiality restrictions of a third party except in conformity with StarKist's obligations
2 to such third parties.

3 6. StarKist objects to the Requests to the extent that they purport to require
4 StarKist to draw subjective or legal conclusions, or are predicated on subjective or legal
5 conclusions or arguments. Subject to and without waiving any objections, StarKist states
6 that any response, production of documents, or provision of information in response to the
7 Requests is not intended to provide, and shall not constitute or be construed as providing,
8 an admission concerning any of the terms used in the Requests.

9 7. StarKist objects to the Requests to the extent that they contain inaccurate,
10 incomplete, or misleading descriptions of the facts, persons, relationships, and/or events
11 underlying this Action. StarKist further objects to the Requests in their entirety to the
12 extent that they assume the existence of facts that do not exist or the occurrence of events
13 that did not take place. The fact that StarKist is willing to produce documents or provide
14 responsive information does not constitute an admission that any Request is proper, that the
15 documents or information it seeks is relevant or within the proper bounds of discovery, that
16 the factual predicates stated in the Requests are accurate, or that similar Requests will be
17 treated in a similar fashion.

18 8. StarKist objects to the Requests to the extent that they are overbroad, unduly
19 burdensome, not reasonably calculated to lead to the discovery of admissible evidence, not
20 related to any party's claim or defense, or not proportional to the needs of the case.

21 9. StarKist objects to the Requests to the extent that they seek documents or
22 information already obtained by Plaintiffs or that they can obtain from sources that are
23 more convenient, less burdensome, or less expensive. In particular, StarKist objects to the
24 extent the Requests seek documents or information, which by reason of public filing, prior
25 production, or otherwise, are already in Plaintiffs' possession or are readily accessible to
26 Plaintiffs.

1 10. StarKist objects to the Requests as premature to the extent that StarKist
2 would have to engage in expert analysis, and/or render expert opinions in order to respond
3 or produce documents.

4 11. StarKist objects to the Requests to the extent that they are duplicative or
5 cumulative, and objects to each Request to the extent that it is duplicative or cumulative of
6 other discovery.

7 12. StarKist objects to the definition of “Advertisement(s)” or “Advertising” as
8 vague, ambiguous, overbroad, and unduly burdensome, particularly to the extent it purports
9 to include “any . . . method used to promote” the tuna products at issue in this case.

10 13. StarKist objects to the definitions of “and,” “or,” and “any” as vague,
11 ambiguous, overbroad, unduly burdensome, and to the extent they impose obligations on
12 StarKist that are different or broader than those set forth in the Federal Rules of Civil
13 Procedure, applicable Local Rules, or any order or ruling by the Court in this case. StarKist
14 will construe “and,” “or,” and “any” to have their normal meaning.

15 14. StarKist objects to the definition of “Bycatch” as overbroad and unduly
16 burdensome because it includes marine species other than dolphins.

17 15. StarKist objects to the definition of “Communication” as vague, ambiguous,
18 overbroad, and unduly burdensome, particularly with respect to the phrase “by any means.”
19 StarKist further objects to the extent this definition purports to impose obligations on
20 StarKist that are different or broader than those set forth in the Federal Rules of Civil
21 Procedure, applicable Local Rules, or any order or ruling by the Court in this case.

22 16. StarKist objects to the definition of “Dongwon” as nonsensical as StarKist is
23 unfamiliar with any entity called “Industries Co. Ltd.” StarKist further objects to this
24 definition as vague, ambiguous, overbroad, and unduly burdensome to the extent that it
25 purports to encompass any entity’s “past and present parents, subsidiaries, affiliates,
26 predecessors, successors, employees, independent contractors, officers, agents, vendors,
27 accountants, and all other persons or entities acting on its behalf or under its direct or
28

indirect control.” StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to the extent that the definition calls for a legal conclusion as to any agency, employment, or affiliate relationship.

17. StarKist objects to the definition of “EII” as vague, ambiguous, overbroad, and unduly burdensome to the extent that it purports to encompass the Earth Island Institute’s “past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control.” StarKist further objects to the extent that the definition calls for a legal conclusion as to any agency, employment, or affiliate relationship. StarKist will construe “EII” to mean the Earth Island Institute.

18. StarKist objects to the definition of “Employee(s)” as vague, ambiguous, overbroad, and unduly burdensome, particularly to the extent it purports to include anyone who “acted or purported to act on behalf of another person or persons, including all past and present directors, officers, executives, agents, representatives, attorneys, accountants, independent contractors, contact persons, advisors, and consultants of such other person or persons.” StarKist further objects to the extent that the definition calls for a legal conclusion as to any agency or employment relationship.

19. StarKist objects to the definition of “FADs” as vague, ambiguous, overbroad, and unduly burdensome because it is not limited to fish aggregating devices used to attract tuna for use in the tuna products at issue in this case.

20. StarKist objects to the definition of “ISSF” as vague, ambiguous, overbroad, and unduly burdensome to the extent that it purports to encompass the International Seafood Sustainability Foundation’s “past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control.” StarKist further objects to the extent that the definition calls for a legal

1 conclusion as to any agency, employment, or affiliate relationship. StarKist will construe
2 “ISSF” to mean the International Seafood Sustainability Foundation.

3 21. StarKist objects to the definition of “Label(s)” and “Labeling” as vague,
4 ambiguous, overbroad, and unduly burdensome to the extent it purports to include “any
5 other promotion or promotional campaign materials that . . . come with” any StarKist
6 product.

7 22. StarKist objects to the definition of “NFI” as vague, ambiguous, overbroad,
8 and unduly burdensome to the extent that it purports to encompass the National Fisheries
9 Institute’s “past and present parents, subsidiaries, affiliates, predecessors, successors,
10 employees, independent contractors, officers, agents, vendors, accountants, and all other
11 persons or entities acting on its behalf or under its direct or indirect control.” StarKist
12 further objects to the extent that the definition calls for a legal conclusion as to any agency,
13 employment, or affiliate relationship. StarKist will construe “NFI” to mean the National
14 Fisheries Institute.

15 23. StarKist objects to the definition of “net sales” as vague and ambiguous in
16 its use of the terms “rebates,” “returns,” and “discounts.”

17 24. StarKist objects to the definition of “Person(s)” as vague, ambiguous,
18 overbroad, and unduly burdensome, particularly to the extent it purports to include “the
19 representatives of any such person or persons.”

20 25. StarKist objects to the definition of “Product(s)” as vague, ambiguous,
21 overbroad, and unduly burdensome to the extent it purports to include any tuna products
22 that are not branded as “StarKist” products.

23 26. StarKist objects to the definition of “relate,” “relating to,” “concerning,” and
24 “regarding” as vague, ambiguous, overbroad, and unduly burdensome. StarKist further
25 objects to the extent this definition purports to impose any obligations on StarKist that are
26 different or broader than those set forth in the Federal Rules of Civil Procedure, applicable
27 Local Rules, or any order or ruling by the Court in this case.

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27. StarKist objects to the definition of “Social Media” as vague, ambiguous, overbroad, and unduly burdensome in its use of the terms “users,” “content,” and “social networking.”

28. StarKist objects to the definition of “Social Media” as vague, ambiguous, overbroad, and unduly burdensome to the extent it purports to include any “websites and applications that enable users to create and share content.”

29. StarKist objects to the definition of “StarKist,” “You,” “Your,” and “Manufacturer” as vague, ambiguous, overbroad, and unduly burdensome to the extent that it purports to encompass StarKist’s “past and present parents, subsidiaries, affiliates, predecessors, successors, employees, independent contractors, officers, agents, vendors, accountants, and all other persons or entities acting on its behalf or under its direct or indirect control including, without limitation, Dongwon.” StarKist further objects to this definition to the extent it seeks information not within StarKist’s possession, custody, or control. StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to this definition to the extent it seeks information, the disclosure of which is prohibited by law, regulation, order of a court, or other authority of a foreign jurisdiction in which the information is located. StarKist further objects to the extent that the definition calls for a legal conclusion as to any agency, employment, or affiliate relationship. StarKist will construe “StarKist,” “You,” “Your,” and “Manufacturer” to mean StarKist Co.

30. StarKist objects to the definition of “Wholesale Price” as vague and ambiguous in its use of the terms “in bulk,” “discount,” and “rebate.”

31. StarKist objects to paragraph 2 of the INSTRUCTIONS as vague, ambiguous, overbroad, and unduly burdensome in purporting to require that StarKist interpret any “reference to a business entity” as including that business entity’s “affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients, or other representatives of affiliated third parties.” StarKist further objects to the

1 extent that this paragraph calls for a legal conclusion as to any agency, employment, or
2 affiliate relationship. StarKist will construe references to a business entity to mean that
3 business entity.

4 32. StarKist objects to paragraph 3 of the INSTRUCTIONS as overbroad and
5 unduly burdensome, and to the extent this paragraph imposes obligations on StarKist that
6 are different or broader than those set forth in the Federal Rules of Civil Procedure,
7 applicable Local Rules, or any order or ruling by the Court in this case. StarKist further
8 objects to this paragraph to the extent that it purports to require the production of
9 information that is protected by the attorney-client privilege, work product doctrine, or
10 other similar privileges. To the extent that StarKist withholds or redacts any responsive
11 documents on the basis of the attorney-client privilege, work product doctrine, or other
12 similar privileges, StarKist will produce a privilege log that complies with Rules 26 and 34
13 of the Federal Rules of Civil Procedure and the Local Rules. The parties will meet and
14 confer regarding the timing for the exchange of privilege logs in an effort to agree to
15 exchange logs at a mutually agreeable time.

16 33. StarKist objects to paragraphs 4, 5, and 6 of the INSTRUCTIONS as
17 overbroad, unduly burdensome, and not proportional to the needs of the case. StarKist
18 further objects to these paragraphs to the extent they seek documents or information that is
19 not in StarKist's possession, custody, or control. StarKist further objects to these
20 paragraphs to the extent that they impose obligations on StarKist that are different or
21 broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules,
22 or any order or ruling by the Court in this case.

23 34. StarKist objects to paragraph 7 of the INSTRUCTIONS to the extent that it
24 seeks to impose deadlines or other obligations that are inconsistent with Rule 26(e) of the
25 Federal Rules of Civil Procedure. StarKist will supplement its discovery responses as
26 required by the Federal Rules of Civil Procedure, the Local Rules, or any order or ruling by
27 the Court in this case.

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35. StarKist objects to paragraphs 8 and 9 of the INSTRUCTIONS as overbroad, unduly burdensome, and not proportional to the needs of the case. StarKist further objects to these paragraphs to the extent that they impose obligations on StarKist that are different or broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the Court in this case.

36. StarKist objects to paragraphs 10 to 33 of the FORM OF PRODUCTION in their entirety as overbroad, unduly burdensome, not proportional to the needs of the case, and imposing obligations on StarKist that are different or broader than those set forth in the Federal Rules of Civil Procedure, applicable Local Rules, or any order or ruling by the Court in this case. The parties have been meeting and conferring on a Stipulation re: Discovery of Electronically Stored Information that addresses the form of production in this Action and will continue to meet and confer on that subject in an effort to execute a mutually agreeable stipulation.

StarKist hereby incorporates the foregoing General Objections into each of its responses below, as though fully stated therein.

SPECIFIC RESPONSES AND OBJECTIONS

REVISED REQUEST FOR PRODUCTION NO. 1

All Documents referred to or relied upon in responding to Plaintiffs' First Set of Interrogatories, including but not limited to Documents that were created outside the Relevant Time Period.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 1

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase "[a]ll Documents." StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase "relied upon." StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive.

StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist will produce the documents identified pursuant to Federal Rule of Civil Procedure 33(d) in its responses to Plaintiffs' First Set of Interrogatories. StarKist has not relied upon any other documents in responding to Plaintiffs' First Set of Interrogatories.

REVISED REQUEST FOR PRODUCTION NO. 2

All Documents, including NOAA spot check audit documents, which you contend support the dolphin-safe, responsible sourcing, or sustainability representations made in your Advertisements and Labeling for the Products.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 2

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase "[a]ll Documents," and in light of the Discovery Order holding that discovery requests "relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality." StarKist further objects to this Request as vague and ambiguous. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged communications with NOAA regarding spot check audits, StarKist contracts of purchase for tuna incorporated into StarKist branded Products

1 sold in the United States, and relevant documents required by such contracts including
 2 NOAA Form 370s, captain's statements, and StarKist "Dolphin Safe" certificates.

3 **REVISED REQUEST FOR PRODUCTION NO. 3**

4 All Documents and Communications that support, refer, or relate to Your
 5 verification that Your Products are dolphin-safe, do not contain tuna in which any dolphins
 6 were harmed in the procurement, and are sustainably sourced.

7 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 3**

8 StarKist hereby incorporates by reference its General Objections. StarKist further
 9 objects on the basis that this Request is overbroad and unduly burdensome and seeks
 10 information that is not proportional to the needs of discovery in this case, particularly in its
 11 use of the phrase "[a]ll Documents," and in light of the Discovery Order holding that
 12 discovery requests "relating to sustainability should be narrowed to . . . relate to dolphin
 13 harm and/or dolphin mortality." StarKist further objects to this Request as vague and
 14 ambiguous, particularly with respect to the terms "relate," "verification," "harmed,"
 15 "procurement," and "sustainably sourced." StarKist further objects to this Request as
 16 cumulative and duplicative of Request No. 2. StarKist further objects to the Request to the
 17 extent that it seeks information that is publicly available and/or can be obtained from
 18 sources that are more convenient, less burdensome, or less expensive. StarKist further
 19 objects to the Request to the extent that it seeks information protected from discovery by
 20 any applicable privilege, immunity, or protection.

21 Subject to and without waiving these objections, to the extent that they exist, are
 22 kept in the ordinary course of business, and can be located in the course of a reasonable
 23 search of centrally located files, for the period from May 13, 2015 to September 25, 2020,
 24 StarKist will produce StarKist contracts of purchase for tuna incorporated into StarKist
 25 branded Products sold in the United States, and relevant documents required by such
 26 contracts including NOAA Form 370s, captain's statements, and StarKist "Dolphin Safe"
 27 certificates. Further, to the extent that they exist, are kept in the ordinary course of
 28 business, and can be located in the course of a proportional search based on reasonable

1 custodians and search terms, for the period from May 13, 2015 to September 25, 2020,
2 StarKist will produce non-privileged documents that relate to StarKist's representation that
3 StarKist branded Products sold in the United States are dolphin safe.

4 **REVISED REQUEST FOR PRODUCTION NO. 4**

5 All Documents and Communications relating to or concerning documented
6 instances of dolphins harmed or killed, whether intentionally or unintentionally, in the
7 procurement of the tuna in your Products. To avoid doubt, this includes any harm to
8 dolphins occurring in fishing for tuna in your Products, even if that harm was attributable to
9 a tuna catch that was segregated out as non-dolphin safe or where the tuna caught did not
10 otherwise end up in your Products.

11 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 4**

12 StarKist hereby incorporates by reference its General Objections. StarKist further
13 objects on the basis that this Request is overbroad and unduly burdensome and seeks
14 information that is not proportional to the needs of discovery in this case, particularly in its
15 use of the phrases "[a]ll Documents and Communications" and its purported inclusion of
16 tuna that did not end up in any StarKist product. StarKist further objects to this Request as
17 vague and ambiguous, particularly with respect to the phrases "relating to or concerning"
18 and "documented instances," and the terms "harmed," "harm," "procurement,"
19 "attributable," and "tuna catch." StarKist further objects to the Request to the extent that it
20 seeks information that is publicly available and/or can be obtained from sources that are
21 more convenient, less burdensome, or less expensive. StarKist further objects to the
22 Request to the extent that it seeks information protected from discovery by any applicable
23 privilege, immunity, or protection.

24 Subject to and without waiving these objections, to the extent that they exist, are
25 kept in the ordinary course of business, and can be located in the course of a proportional
26 search based on reasonable custodians and search terms, for the period from May 13, 2015
27 to September 25, 2020, StarKist will produce non-privileged documents that relate to
28 documented instances of dolphins harmed or killed in connection with the capture of tuna

1 purchased by StarKist for incorporation into StarKist branded Products sold in the United
2 States.

3 **REVISED REQUEST FOR PRODUCTION NO. 5**

4 All Documents and Communications relating to any harm or killing, whether
5 intentional or unintentional, of dolphins by any fishing by Your fishing fleet, or any boat in
6 which You or Your owners have any financial interest.

7 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 5**

8 StarKist hereby incorporates by reference its General Objections. StarKist further
9 objects on the basis that this Request is overbroad and unduly burdensome and seeks
10 information that is not proportional to the needs of discovery in this case, particularly in its
11 use of the phrases “[a]ll Documents and Communications,” “any harm or killing,” “any
12 fishing,” “any boat,” and “any financial interest.” StarKist further objects to this Request as
13 vague and ambiguous, particularly with respect to the terms “relating,” “harm,” “fishing
14 fleet,” “owners,” and “financial interest.” StarKist further objects to this Request as
15 cumulative and duplicative of Request No. 4. StarKist further objects to this definition to
16 the extent it seeks information from Dongwon Industries Co. Ltd., which has been
17 dismissed from this Action with prejudice. StarKist further objects to the Request to the
18 extent that it seeks information that is publicly available and/or can be obtained from
19 sources that are more convenient, less burdensome, or less expensive. StarKist further
20 objects to this Request to the extent it seeks information not within the possession, custody,
21 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
22 information protected from discovery by any applicable privilege, immunity, or protection.

23 Subject to and without waiving these objections, StarKist states that it does not own,
24 operate, or hold any financial interest in any fishing vessels.

25 **REVISED REQUEST FOR PRODUCTION NO. 6**

26 All Documents related to or concerning tuna that was separately stored because
27 dolphins were harmed during its procurement.

28

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 6

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents” and its purported inclusion of tuna unrelated to any StarKist product. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “related to or concerning” and the terms “harmed” and “procurement.” StarKist further objects to this Request as cumulative and duplicative of Request Nos. 4 and 5. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged documents that relate to tuna purchased by StarKist for incorporation into StarKist branded Products sold in the United States that was separately stored because dolphins were harmed during its capture.

REVISED REQUEST FOR PRODUCTION NO. 7

All Documents sufficient to show by name, country of origin, ownership, call sign, IMO number, MMSI number, and flag all boats that supplied the tuna in Your Products or that was involved in transshipping that tuna.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 7

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its

1 use of the phrases “[a]ll Documents” and “all boats.” StarKist further objects to this
 2 Request as vague and ambiguous, particularly with respect to the terms “IMO number” and
 3 “MMSI number,” and the phrase “involved in transshipping.” StarKist further objects to
 4 the Request to the extent that it seeks information that is publicly available and/or can be
 5 obtained from sources that are more convenient, less burdensome, or less expensive.
 6 StarKist further objects to the Request to the extent that it seeks information protected from
 7 discovery by any applicable privilege, immunity, or protection.

8 Subject to and without waiving these objections, to the extent that they exist, are
 9 kept in the ordinary course of business, and can be located in the course of a reasonable
 10 search of centrally located files, for the period from May 13, 2015 to September 25, 2020,
 11 StarKist will produce contracts of purchase for tuna incorporated into StarKist branded
 12 Products sold in the United States, and relevant documents required by such contracts
 13 including NOAA Form 370s, captain’s statements, and StarKist “Dolphin Safe” certificates.

14 **REVISED REQUEST FOR PRODUCTION NO. 8**

15 All Documents identifying by name, country of origin, ownership, call sign, IMO
 16 number, MMSI number, and flag all boats in which You or Your owners, have any
 17 ownership or financial interest.

18 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 8**

19 StarKist hereby incorporates by reference its General Objections. StarKist further
 20 objects on the basis that this Request is overbroad and unduly burdensome and seeks
 21 information that is not proportional to the needs of discovery in this case, particularly in its
 22 use of the phrases “[a]ll Documents,” “all boats,” and “any ownership or financial interest,”
 23 and its purported inclusion of boats unrelated to any StarKist tuna product. StarKist further
 24 objects to this Request as vague and ambiguous, particularly with respect to the terms
 25 “IMO number,” “MMSI number,” and “owners,” and the phrase “ownership or financial
 26 interest.” StarKist further objects to this Request as cumulative and duplicative of Request
 27 No. 7. StarKist further objects to this definition to the extent it seeks information from
 28 Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice.

StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist states that it does not own, operate, or hold any financial interest in any fishing vessels.

REVISED REQUEST FOR PRODUCTION NO. 9

All Documents relating to or concerning the fishing method(s) used by each boat that supplied the tuna in Your Products, including, without limitation, the percentage of Your tuna procured by each fishing method.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 9

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “each boat.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “procured.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce contracts of purchase for tuna incorporated into StarKist branded Products sold in the United States, and relevant documents required by such contracts including NOAA Form 370s, captain’s statements, and StarKist “Dolphin Safe” certificates.

REVISED REQUEST FOR PRODUCTION NO. 10

For each boat identified in Request No. 8, above, produce Documents identifying the name, address, and contact information of all captains and observers, if any, on board and the time period during which they served.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 10

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “all captains and observers,” and its purported inclusion of boats unrelated to any StarKist tuna product. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “captains,” “observers,” and “served.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist states that it does not own, operate, or hold any financial interest in any fishing vessels.

REVISED REQUEST FOR PRODUCTION NO. 11

All Documents and Communications relating to or concerning captain and observer compensation on each boat identified in response to Request No. 8, above.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 11

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications,” and its purported inclusion of boats unrelated to any StarKist tuna product. StarKist further objects to this Request as

vague and ambiguous, particularly with respect to the phrase “relating to or concerning” and the terms “captain,” “observer,” and “compensation.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist states that it does not own, operate, or hold any financial interest in any fishing vessels.

REVISED REQUEST FOR PRODUCTION NO. 12

All Documents and Communications relating to or concerning the compensation of Your tuna suppliers, their names, addresses, and contact information, and the term(s) of their engagement(s).

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 12

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “relating to or concerning” and “term(s) of their engagement(s),” and the term “compensation.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

1 Subject to and without waiving these objections, to the extent that they exist, are
2 kept in the ordinary course of business, and can be located in the course of a reasonable
3 search of centrally located files, for the period from May 13, 2015 to September 25, 2020,
4 StarKist will produce contracts of purchase for tuna incorporated into StarKist branded
5 Products sold in the United States.

6 **REVISED REQUEST FOR PRODUCTION NO. 13**

7 All Documents constituting or regarding inquiries, complaints, or Communications
8 regarding Your Products whether by NMFS, NOAA, or any other governmental regulatory
9 agency, either domestic or international.

10 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 13**

11 StarKist hereby incorporates by reference its General Objections. StarKist further
12 objects on the basis that this Request is overbroad and unduly burdensome and seeks
13 information that is not proportional to the needs of discovery in this case, particularly in its
14 use of the phrases “[a]ll Documents” and “any other governmental regulatory agency, either
15 domestic or international,” and its purported inclusion of documents without any limitation
16 as to subject matter. StarKist further objects to this Request as vague and ambiguous,
17 particularly with respect to the terms “regarding,” “inquiries,” “complaints,” and
18 “governmental regulatory agency.” StarKist further objects to the Request to the extent that
19 it seeks information that is publicly available and/or can be obtained from sources that are
20 more convenient, less burdensome, or less expensive. StarKist further objects to this
21 Request to the extent it seeks information not within the possession, custody, or control of
22 StarKist. StarKist further objects to the Request to the extent that it seeks information
23 protected from discovery by any applicable privilege, immunity, or protection.

24 Subject to and without waiving these objections, to the extent that they exist, are
25 kept in the ordinary course of business, and can be located in the course of a reasonable
26 search of centrally located files, for the period from May 13, 2015 to September 25, 2020,
27 StarKist will produce non-privileged communications with NOAA regarding spot check
28 audits. StarKist is not aware of any complaints, during the period from May 13, 2015 to

September 25, 2020, by any governmental regulatory agency regarding the dolphin safety of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 14

Copies of all Social Media Communications relating to or concerning dolphin safety, fishing methods, and/or responsible sourcing of Your Products from the time the Products were first introduced to the present.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 14

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “all Social Media Communications” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “responsible sourcing” and “introduced.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist states that all of its social media communications regarding dolphin safety are publicly available on social media platforms that are equally accessible to Plaintiffs.

REVISED REQUEST FOR PRODUCTION NO. 15

Exemplars of all sales materials, promotional materials, newsletters, informational publications, and advertisements, including, but not limited to print, radio, internet and television advertisements, and point-of-sale literature which in any way refer to, depict,

1 and/or discuss dolphin safety, tuna fishing methods and procurement, and/or responsible
 2 tuna sourcing, including all versions and drafts from the time the Products were first
 3 introduced to the present.

4 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 15**

5 StarKist hereby incorporates by reference its General Objections. StarKist further
 6 objects on the basis that this Request is overbroad and unduly burdensome and seeks
 7 information that is not proportional to the needs of discovery in this case, particularly in its
 8 use of the phrases “all sales materials, promotional materials, newsletters, informational
 9 publications, and advertisements,” “in any way refer to, depict, and/or discuss,” “all
 10 versions and drafts,” and “from the time the Products were first introduced,” and in light of
 11 the Discovery Order holding that discovery requests “relating to sustainability should be
 12 narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects
 13 to this Request as vague and ambiguous, particularly with respect to the terms
 14 “informational publications,” “procurement,” “responsible tuna sourcing,” and
 15 “introduced.” StarKist further objects to this Request as cumulative and duplicative of
 16 Request No. 14. StarKist further objects to the Request to the extent that it seeks
 17 information that is publicly available and/or can be obtained from sources that are more
 18 convenient, less burdensome, or less expensive. StarKist further objects to this Request to
 19 the extent it seeks information not within the possession, custody, or control of StarKist.
 20 StarKist further objects to the Request to the extent that it seeks information protected from
 21 discovery by any applicable privilege, immunity, or protection.

22 Subject to and without waiving these objections, to the extent that they exist, are
 23 kept in the ordinary course of business, and can be located in the course of a reasonable
 24 search of centrally located files, for the period from May 13, 2015 to September 25, 2020,
 25 StarKist will produce archived exemplars of marketing materials that address the dolphin
 26 safety of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 16

All Documents and Communications related to or concerning the design, content, placement and distribution, budget, payment, and return on investment of or for the sales materials, promotional materials, newsletters, informational publications, advertisements, and Social Media Communications produced in response to Request Nos. 14 & 15, without temporal limitation.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 16

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “without temporal limitation.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “related to or concerning,” “placement and distribution,” “return on investment,” and “informational publications.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged documents that relate to the design, content, placement and distribution, budget, payment, and return on investment of marketing addressing the dolphin safety of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 17

Exemplars of all Product Labels from the time the Products were first introduced to the present, including all versions, drafts, revisions, and information regarding when and where the exemplars were utilized or disseminated.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 17

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “all Product Labels,” “from the time the Products were first introduced,” and “all versions, drafts, revisions.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “introduced,” “utilized,” and “disseminated.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce archived exemplars of product labels for StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 18

All Documents and Communications related to or concerning the design and content of the Product Labels, from the time the Products were first introduced to the present, including, without limitation, the dolphin-safe, sustainability, and tracking information to be provided on the Label and placement of the dolphin-safe logo on the Label, their font size and color selection.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 18

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that the “only label at issue in [this Action] is the dolphin-safe label” and that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “related to or concerning” and the terms “introduced,” “sustainability,” and “tracking.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged documents that relate to the dolphin-safe logo and any other dolphin-safe information on product labels for StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 19

All Documents that evidence, memorialize, summarize, analyze, or discuss how to market or advertise Your Products and the return on investment or effectiveness of the marketing and advertising, created at any point from the time the Products were first introduced to the present.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 19

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “from the time the Products were first introduced,” and its purported inclusion of marketing and advertising documents without any limitation as to subject matter. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “return on investment,” “effectiveness,” and “introduced.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to this Request as cumulative and duplicative of Request No. 18. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged documents that relate to the design, content, placement and distribution, budget, payment, and return on investment of marketing addressing the dolphin safety of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 20

All Documents that evidence, reflect, or relate to any marketing analysis or survey done at any time involving the importance to consumers or retailers of dolphin safety and sustainable sourcing and/or the price consumers are willing to pay for dolphin-safe and sustainably sourced tuna.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 20

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “at any time,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “importance,” “sustainable sourcing,” and “sustainably sourced.” StarKist further objects to this Request as premature to the extent that it calls for expert analysis and/or opinions. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged marketing analyses or surveys that address the importance to United States consumers or retailers of dolphin safety and/or the price United States consumers are willing to pay for dolphin-safe tuna products.

REVISED REQUEST FOR PRODUCTION NO. 21

All Documents identifying the name, address, and contact person(s) of all retailers of Your Products in the United States, the locations of all stores where they sold Your Products in the United States, and when each store sold Your Products in the United States.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 21

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “all retailers” and “all stores.” StarKist further objects to this Request as

vague and ambiguous, particularly with respect to the term “contact person(s).” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged and responsive transactional data that relate to retailers of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 22

All Documents and Communications with retailers related to or concerning dolphin safety, tuna sourcing methods, sustainability, FADs, and substantiation of the Products’ Label representations.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 22

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrases “Documents . . . with” and “related to or concerning,” and the terms “tuna sourcing methods,” “sustainability,” and “substantiation.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to

the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged communications with retailers that relate to the dolphin safety of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 23

All Documents identifying each shipment of Your Products to retailers or third party distributors for sale to U.S. consumers, including:

1. The name and address of the recipient;
2. The total number of units of each Product shipped;
3. The Wholesale Price, SKU, UPC, and MSRP of each Product shipped; and
4. The amount of any rebate on each Product shipped.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 23

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “for sale to U.S. consumers” and the term “rebate.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to

1 this Request to the extent it calls for information that is subject to third-party confidentiality
2 restrictions.

3 Subject to and without waiving these objections, to the extent that they exist, are
4 kept in the ordinary course of business, and can be located in the course of a reasonable
5 search of centrally located files, for the period from May 13, 2015 to September 25, 2020,
6 StarKist will produce non-privileged and responsive transactional data that relate to
7 shipments to retailers or third party distributors of StarKist branded Products sold in the
8 United States.

9 **REVISED REQUEST FOR PRODUCTION NO. 24**

10 All Documents identifying separately by state and on a monthly basis the total
11 number of units, SKUs, and UPCs, of each Product distributed for retail sale and the Net
12 Sales amount You received from sales of each Product.

13 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 24**

14 StarKist hereby incorporates by reference its General Objections. StarKist further
15 objects on the basis that this Request is overbroad and unduly burdensome and seeks
16 information that is not proportional to the needs of discovery in this case, particularly in its
17 use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and
18 ambiguous, particularly with respect to the phrase “distributed for retail sale.” StarKist
19 further objects to the Request to the extent that it seeks information that is publicly
20 available and/or can be obtained from sources that are more convenient, less burdensome,
21 or less expensive. StarKist further objects to this Request to the extent it seeks information
22 not within the possession, custody, or control of StarKist. StarKist further objects to the
23 Request to the extent that it seeks information protected from discovery by any applicable
24 privilege, immunity, or protection.

25 Subject to and without waiving these objections, to the extent that they exist, are
26 kept in the ordinary course of business, and can be located in the course of a reasonable
27 search of centrally located files, for the period from May 13, 2015 to September 25, 2020,
28

StarKist will produce non-privileged and responsive transactional data that relate to StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 25

All Documents identifying separately by state and on a monthly basis the total number of units, SKUs, and UPCs, of each Product returned to You by retailers, third party distributors or consumers.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 25

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “returned.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged and responsive transactional data that relate to returns of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 26

All Documents received from retailers, IRI, or Nielsen which refer to or concern the pricing, Revenue, and/or sales of any of the Products.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 26

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “concern.” StarKist further objects to this Request as cumulative and duplicative of Request No. 24. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions.

Subject to and without waiving these objections, StarKist is willing to meet and confer with Plaintiffs about this Request.

REVISED REQUEST FOR PRODUCTION NO. 27

All Documents and Communications relating to or concerning the price premium, dollar value, or Product-associated cost of the dolphin-safe guarantee and/or sustainable sourcing.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 27

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “relating to or concerning” and the terms “price premium,” “Product-associated cost,” “sustainable sourcing.” StarKist

1 further objects to this Request as premature to the extent that it calls for expert analysis
2 and/or opinions. StarKist further objects to the Request to the extent that it seeks
3 information protected from discovery by any applicable privilege, immunity, or protection.

4 Subject to and without waiving these objections, to the extent that they exist, are
5 kept in the ordinary course of business, and can be located in the course of a proportional
6 search based on reasonable custodians and search terms, for the period from May 13, 2015
7 to September 25, 2020, StarKist will produce non-privileged documents that relate to any
8 price premium or dollar value associated with StarKist's representation that StarKist
9 branded Products sold in the United States are dolphin safe.

10 **REVISED REQUEST FOR PRODUCTION NO. 28**

11 All Documents and Communications relating to the use of FADs in procuring tuna
12 in Your Products.

13 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 28**

14 StarKist hereby incorporates by reference its General Objections. StarKist further
15 objects on the basis that this Request is overbroad and unduly burdensome and seeks
16 information that is not proportional to the needs of discovery in this case, particularly in its
17 use of the phrase "[a]ll Documents and Communications" and its purported inclusion of
18 documents unrelated to dolphin harm and/or dolphin mortality. StarKist further objects to
19 this Request as vague and ambiguous, particularly with respect to the terms "use" and
20 "procuring." StarKist further objects to the Request to the extent that it seeks information
21 that is publicly available and/or can be obtained from sources that are more convenient, less
22 burdensome, or less expensive. StarKist further objects to the Request to the extent that it
23 seeks information protected from discovery by any applicable privilege, immunity, or
24 protection.

25 Subject to and without waiving these objections, to the extent that they exist, are
26 kept in the ordinary course of business, and can be located in the course of a proportional
27 search based on reasonable custodians and search terms, for the period from May 13, 2015
28 to September 25, 2020, StarKist will produce non-privileged documents that relate to

dolphins harmed or killed by the use of FADs in connection with the capture of tuna purchased by StarKist for incorporation into StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 29

All Documents or Communications that refer to or discuss any meeting, Communication, or agreement with Tri-Union Seafoods, LLC (dba Chicken of the Sea International, Inc.) or Bumble Bee Foods, LLC concerning the marketing, Advertising, packing or co-packing, fishing methods, use or non-use of FADs, dolphin safety, or sale of Your Products, including, without limitation, the February 2012 agreement with Bumble Bee Foods, LLC and Tri-Union Seafoods, LLC (dba Chicken of the Sea International, Inc.) to not sell a branded FAD-free tuna product in the U.S. and the May 31, 2012 statement issued through the NFI on behalf of Bumble Bee, Chicken of the Sea, and StarKist.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 29

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents or Communications” and its purported inclusion of documents unrelated to dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “concerning,” “agreement,” and “packing or co-packing.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015

to September 25, 2020, StarKist will produce non-privileged communications with Tri-Union Seafoods, LLC (dba Chicken of the Sea International, Inc.) or Bumble Bee Foods, LLC that relate to the dolphin safety of tuna sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 30

All Documents referring or relating to Your Communications with EII, including but not limited to EII’s International Marine Mammal Project n(“IMMP”) and/or MSC regarding dolphin safety and/or sustainability standards and their respective organization’s sustainability requirements.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 30

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relating,” “n(‘IMMP’),” “sustainability standards,” and “sustainability requirements.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged communications with EII and/or MSC that relate to the dolphin safety of tuna sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 31

All Documents and Communications which refer to or concern Your use of a Dolphin-Safe Logo or Your decision not to use the dolphin-safe mark codified at 50 C.F.R. § 216.95. This request includes, without limitation, Documents and Communications concerning:

1. Inspections or audits by EII and/or IMMP of your compliance with their dolphin safe certification requirements and the results thereof, including captain's statements and other documents supplied to EII and/or IMMP in the course of its inspections or audits;
2. EII and IMMP's dolphin safety verification requirements; and
3. Your compliance with and/or violation of EII and IMMP's dolphin-safe Monitoring Program certification standards and requirements.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 31

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase "[a]ll Documents or Communications." StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms "IMMP," "compliance," "certification requirements," "verification requirements," "Monitoring Program," and "certification standards and requirements." StarKist further objects to this Request as cumulative and duplicative of Request No. 30. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged documents that relate to the dolphin-safe logo on product labels for StarKist branded Products sold in the United States. Further, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged communications with EII that relate to the dolphin safety of tuna sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 32

All Documents and Communications relating to Your membership in the ISSF.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 32

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents or Communications” and its purported inclusion of documents unrelated to dolphin harm and/or dolphin mortality. StarKist further objects to this Request as vague and ambiguous, particularly with respect to the term “membership.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REVISED REQUEST FOR PRODUCTION NO. 33

Documents sufficient to show all money You paid to ISSF, MSC, NFI, or EII. This includes, without limitation, all money paid as a result of membership dues, assessments,

1 fees, special projects, lobbying, and the like, as well as any money voluntarily paid or
2 donated to them.

3 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 33**

4 StarKist hereby incorporates by reference its General Objections. StarKist further
5 objects on the basis that this Request is overbroad and unduly burdensome and seeks
6 information that is not proportional to the needs of discovery in this case, particularly in its
7 use of the phrase “all money” and its purported inclusion of documents unrelated to dolphin
8 harm and/or dolphin mortality. StarKist further objects to this Request as vague and
9 ambiguous, particularly with respect to the terms “special projects” and “the like.” StarKist
10 further objects to this Request as cumulative and duplicative of Request No. 32. StarKist
11 further objects to the Request to the extent that it seeks information that is publicly
12 available and/or can be obtained from sources that are more convenient, less burdensome,
13 or less expensive. StarKist further objects to this Request to the extent it seeks information
14 not within the possession, custody, or control of StarKist. StarKist further objects to the
15 Request to the extent that it seeks information protected from discovery by any applicable
16 privilege, immunity, or protection.

17 **REVISED REQUEST FOR PRODUCTION NO. 34**

18 All Documents or Communications with Greenpeace, Sea Shepherd, WWF, or any
19 other Non-Governmental Organization regarding dolphins or tuna.

20 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 34**

21 StarKist hereby incorporates by reference its General Objections. StarKist further
22 objects on the basis that this Request is overbroad and unduly burdensome and seeks
23 information that is not proportional to the needs of discovery in this case, particularly in its
24 use of the phrases “[a]ll Documents or Communications” and “any other Non-
25 Governmental Organization,” and its purported inclusion of documents unrelated to dolphin
26 harm and/or dolphin mortality. StarKist further objects to this Request as vague and
27 ambiguous, particularly with respect to the undefined terms “Greenpeace,” “Sea Shepherd,”
28 and “Non-Governmental Organization.” StarKist further objects to this Request as

1 cumulative and duplicative of Request Nos. 30, 31, 32, and 33. StarKist further objects to
 2 the Request to the extent that it seeks information that is publicly available and/or can be
 3 obtained from sources that are more convenient, less burdensome, or less expensive.
 4 StarKist further objects to this Request to the extent it seeks information not within the
 5 possession, custody, or control of StarKist. StarKist further objects to the Request to the
 6 extent that it seeks information protected from discovery by any applicable privilege,
 7 immunity, or protection.

8 Subject to and without waiving these objections, to the extent that they exist, are
 9 kept in the ordinary course of business, and can be located in the course of a proportional
 10 search based on reasonable custodians and search terms, for the period from May 13, 2015
 11 to September 25, 2020, StarKist will produce non-privileged communications with non-
 12 governmental organizations that relate to the dolphin safety of tuna sold in the United
 13 States.

14 **REVISED REQUEST FOR PRODUCTION NO. 35**

15 All Documents and Communications with the PNA or Pacifica relating to
 16 sustainably caught tuna or tuna Products, including communications from EII regarding
 17 tuna sourced from PNA waters or by Pacifica.

18 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 35**

19 StarKist hereby incorporates by reference its General Objections. StarKist further
 20 objects on the basis that this Request is overbroad and unduly burdensome and seeks
 21 information that is not proportional to the needs of discovery in this case, particularly in its
 22 use of the phrase “[a]ll Documents and Communications” and in light of the Discovery
 23 Order holding that discovery requests “relating to sustainability should be narrowed to . . .
 24 relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as
 25 vague and ambiguous, particularly with respect to the phrase “Documents . . . with” and the
 26 terms “Pacifica,” “sustainably caught,” “sourced,” and “PNA waters.” StarKist further
 27 objects to this Request as cumulative and duplicative of Request No. 34. StarKist further
 28 objects to the Request to the extent that it seeks information that is publicly available and/or

1 can be obtained from sources that are more convenient, less burdensome, or less expensive.
 2 StarKist further objects to this Request to the extent it seeks information not within the
 3 possession, custody, or control of StarKist. StarKist further objects to the Request to the
 4 extent that it seeks information protected from discovery by any applicable privilege,
 5 immunity, or protection.

6 Subject to and without waiving these objections, to the extent that they exist, are
 7 kept in the ordinary course of business, and can be located in the course of a proportional
 8 search based on reasonable custodians and search terms, for the period from May 13, 2015
 9 to September 25, 2020, StarKist will produce non-privileged communications with PNA or
 10 Pacifical that relate to the dolphin safety of tuna sold in the United States.

11 **REVISED REQUEST FOR PRODUCTION NO. 36**

12 All Documents and Communications that involve the relationship between EII and
 13 MSC, or disputes between them, regarding their labels and certifications for tuna Products.

14 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 36**

15 StarKist hereby incorporates by reference its General Objections. StarKist further
 16 objects on the basis that this Request is overbroad and unduly burdensome and seeks
 17 information that is not proportional to the needs of discovery in this case, particularly in its
 18 use of the phrase “[a]ll Documents and Communications” and in light of the Discovery
 19 Order holding that the “only label at issue in [this Action] is the dolphin-safe label.”
 20 StarKist further objects to this Request as vague and ambiguous, particularly with respect to
 21 the terms “involve,” “relationship,” “disputes,” “labels,” and “certifications.” StarKist
 22 further objects to this Request as cumulative and duplicative of Request No. 34. StarKist
 23 further objects to the Request to the extent that it seeks information that is publicly
 24 available and/or can be obtained from sources that are more convenient, less burdensome,
 25 or less expensive. StarKist further objects to this Request to the extent it seeks information
 26 not within the possession, custody, or control of StarKist. StarKist further objects to the
 27 Request to the extent that it seeks information protected from discovery by any applicable
 28 privilege, immunity, or protection.

REVISED REQUEST FOR PRODUCTION NO. 37

All Documents related to or concerning how and why the dolphin-safe logo on Your Products was selected, from the time the Products were first introduced to the present.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 37

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time the Products were first introduced.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “related to or concerning” and the terms “selected,” and “introduced.” StarKist further objects to this Request as cumulative and duplicative of Request Nos. 18, 19, 20, and 22. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged documents that relate to the dolphin-safe logo on product labels for StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 38

All Documents and Communications with ISSF, EII, WWF, NFI, or any other Non-Governmental Organization regarding dolphin safety, sustainable tuna fishing methods and procurement, tuna traceability, FADs, and Bycatch.

1 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 38**

2 StarKist hereby incorporates by reference its General Objections. StarKist further
 3 objects on the basis that this Request is overbroad and unduly burdensome and seeks
 4 information that is not proportional to the needs of discovery in this case, particularly in its
 5 use of the phrases “[a]ll Documents and Communications” and “any other Non-
 6 Governmental Organization,” and in light of the Discovery Order holding that discovery
 7 requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or
 8 dolphin mortality.” StarKist further objects to this Request as vague and ambiguous,
 9 particularly with respect to the phrase “Documents . . . with” and the terms “Non-
 10 Governmental Organization,” “sustainable,” “procurement,” and “traceability.” StarKist
 11 further objects to this Request as cumulative and duplicative of Request No. 34. StarKist
 12 further objects to the Request to the extent that it seeks information that is publicly
 13 available and/or can be obtained from sources that are more convenient, less burdensome,
 14 or less expensive. StarKist further objects to this Request to the extent it seeks information
 15 not within the possession, custody, or control of StarKist. StarKist further objects to the
 16 Request to the extent that it seeks information protected from discovery by any applicable
 17 privilege, immunity, or protection.

18 Subject to and without waiving these objections, to the extent that they exist, are
 19 kept in the ordinary course of business, and can be located in the course of a proportional
 20 search based on reasonable custodians and search terms, for the period from May 13, 2015
 21 to September 25, 2020, StarKist will produce non-privileged communications with non-
 22 governmental organizations that relate to the dolphin safety of tuna sold in the United
 23 States.

24 **REVISED REQUEST FOR PRODUCTION NO. 39**

25 All Documents and Communications, from the time your Products were first
 26 introduced, relating to sustainability and dolphin-safe fishing standards, certifications, and
 27 labels set by industry groups, committees, and organizations, including but not limited to
 28 EIU, MSC, ISSF, and NFI.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 39

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time your Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “introduced,” “relating,” “sustainability,” “standards,” “certifications,” and “industry groups, committees, and organizations.” StarKist further objects to this Request as cumulative and duplicative of Request No. 34. StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged communications with EII, MSC, ISSF, and NFI that relate to the dolphin safety of tuna sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 40

All Documents and Communications, from the time the Products were first introduced to the present, which refer or relate to Your dolphin-safe and/or sustainability policies and practices, including, without limitation, Documents and Communications concerning:

1. Your dolphin-safe policy;

2. Your sustainability policy;
3. Minutes of Committee meetings having to do with dolphin safety or sustainability; and
4. Any sustainability reports.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 40

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents and Communications” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “sustainability” and “Committee meetings.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a proportional search based on reasonable custodians and search terms, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged documents that relate to the dolphin safety of StarKist branded Products sold in the United States.

REVISED REQUEST FOR PRODUCTION NO. 41

All Documents and Communications which refer or relate to the software, program, and other methods You use to track the chain-of-custody of Your tuna and verify its dolphin-safe and sustainable procurement, including, without limitation, any in-house digital supply chain mapping system.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 41

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relate,” “other methods,” “sustainable,” “procurement,” and “digital supply chain mapping system.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist is willing to meet and confer with Plaintiffs about this Request.

REVISED REQUEST FOR PRODUCTION NO. 42

All Documents referring or relating to content published on Your Website from the time the Products were first introduced to the present concerning dolphin safety, tuna fishing methods and procurement, sustainable sourcing, FADs, Bycatch, and traceability.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 42

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relating,” “introduced,” “procurement,” “sustainable sourcing,” and

“traceability.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, StarKist states that it does not archive the content on the StarKist Website.

REVISED REQUEST FOR PRODUCTION NO. 43

All Documents relating to Communications with consumers regarding dolphin safety, tuna fishing methods and procurement, sustainable sourcing, FADs, Bycatch, traceability, and this lawsuit from the time the Products were first introduced to the present, including, without limitation, calls received on Your consumer help line.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 43

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents” and “from the time the Products were first introduced,” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the terms “relating,” “procurement,” “sustainable sourcing,” “traceability,” and “introduced.” StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce non-privileged communications with consumers that relate to the dolphin safety of StarKist branded Products sold in the United States

1 **REVISED REQUEST FOR PRODUCTION NO. 44**

2 All Documents which You contend support any affirmative defense that You
3 believe You have or will be asserting.

4 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 44**

5 StarKist hereby incorporates by reference its General Objections. StarKist further
6 objects on the basis that this Request is overbroad and unduly burdensome and seeks
7 information that is not proportional to the needs of discovery in this case, particularly in its
8 use of the phrases “[a]ll Documents” and “any affirmative defense.” StarKist further
9 objects to this Request as vague and ambiguous, particularly with respect to the phrase
10 “You believe You have or will be asserting.” StarKist further objects to this Request as
11 premature to the extent that it calls for expert analysis and/or opinions. StarKist further
12 objects to the Request to the extent that it seeks information that is publicly available and/or
13 can be obtained from sources that are more convenient, less burdensome, or less expensive.
14 StarKist further objects to the Request to the extent that it seeks information protected from
15 discovery by any applicable privilege, immunity, or protection.

16 Subject to and without waiving these objections, StarKist will produce documents
17 that it intends to rely on in support of its affirmative defenses consistent with its obligations
18 under the Federal Rule of Civil Procedure.

19 **REVISED REQUEST FOR PRODUCTION NO. 45**

20 All Documents relating to your policies and procedures with respect to the retention
21 or destruction of documents.

22 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 45**

23 StarKist hereby incorporates by reference its General Objections. StarKist further
24 objects on the basis that this Request is overbroad and unduly burdensome and seeks
25 information that is not proportional to the needs of discovery in this case, particularly in its
26 use of the phrases “[a]ll Documents.” StarKist further objects to this Request as vague and
27 ambiguous, particularly with respect to the term “relating.” StarKist further objects to the
28

1 Request to the extent that it seeks information protected from discovery by any applicable
2 privilege, immunity, or protection.

3 Subject to and without waiving these objections, StarKist states that it does not have
4 any general written policies regarding the retention or destruction of documents.

5 **REVISED REQUEST FOR PRODUCTION NO. 46**

6 All organizational and management charts reflecting the structure of Your company,
7 including the organization, structure and business operations of each subsidiary, affiliate,
8 division, department, unit, subdivision, committee, subcommittee, task force, working
9 group, or other formal or informal group or business unit involved in the procurement
10 (including fishing), purchase, tracking, packing, verification, design, marketing,
11 advertising, pricing, or sale of Your Products.

12 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 46**

13 StarKist hereby incorporates by reference its General Objections. StarKist further
14 objects on the basis that this Request is overbroad and unduly burdensome and seeks
15 information that is not proportional to the needs of discovery in this case, particularly in its
16 use of the phrases “[a]ll organizational and management charts” and “each subsidiary,
17 affiliate, division, department, unit, subdivision, committee, subcommittee, task force,
18 working group, or other formal or informal group or business unit.” StarKist further objects
19 to this Request as vague and ambiguous, particularly with respect to the phrase “formal or
20 informal group or business unit” and the terms “involved,” “procurement,” “tracking,”
21 “packing,” and “verification.” StarKist further objects to this definition to the extent it
22 seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this
23 Action with prejudice. StarKist further objects to the Request to the extent that it seeks
24 information that is publicly available and/or can be obtained from sources that are more
25 convenient, less burdensome, or less expensive. StarKist further objects to this Request to
26 the extent it seeks information not within the possession, custody, or control of StarKist.
27 StarKist further objects to the Request to the extent that it seeks information protected from
28 discovery by any applicable privilege, immunity, or protection.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce its organizational charts.

REVISED REQUEST FOR PRODUCTION NO. 47

All Documents relating to or concerning the identity, job title(s), duties, and reporting relationships of all officers, Employees, and independent contractors of Your company who had any authority, input, responsibilities, or other involvement with any of the following subjects:

1. sourcing the Products, including fishing;
2. purchasing the tuna in the Products;
3. Labeling the Products;
4. tracking the Products;
5. packing the Products;
6. verifying the Products are dolphin-safe;
7. distributing the Products;
8. marketing the Products;
9. pricing the Products;
10. receiving, investigating, and/or responding to customer complaints or inquiries regarding the Products; and
11. serving on, or participating or providing input to, governmental entities or industry or regional groups, committees, or organization concerning the Products, sustainable fishing practices, and dolphin-safe certification, standards and labels, including, without limitation, the Department of Commerce, the United States Federal Trade Commission, the Food and Drug Administration, EII, MSC, ISSF, and NFI.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 47

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents,” in its purported inclusion of subjects unrelated to any issue in the Action, and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “relating to or concerning” and the terms “identity,” “authority,” “input,” “responsibilities,” “involvement,” “sourcing,” “tracking,” “governmental entities,” “industry or regional groups,” “committees,” “organization,” “sustainable,” “certification,” and “standards.” StarKist further objects to the Request to the extent that it seeks information that is publicly available and/or can be obtained from sources that are more convenient, less burdensome, or less expensive. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection. StarKist further objects to this Request to the extent it calls for information that is subject to third-party confidentiality restrictions. StarKist further objects to this Request to the extent it seeks confidential personnel information.

Subject to and without waiving these objections, to the extent that they exist, are kept in the ordinary course of business, and can be located in the course of a reasonable search of centrally located files, for the period from May 13, 2015 to September 25, 2020, StarKist will produce its organizational charts.

REVISED REQUEST FOR PRODUCTION NO. 48

Documents sufficient to identify by name and address the canneries and processing facilities for Your Products and dates utilized by You.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 48

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks

1 information that is not proportional to the needs of discovery in this case. StarKist further
2 objects to this Request as vague and ambiguous, particularly with respect to the terms
3 “processing facilities” and “utilized.” StarKist further objects to the Request to the extent
4 that it seeks information that is publicly available and/or can be obtained from sources that
5 are more convenient, less burdensome, or less expensive. StarKist further objects to the
6 Request to the extent that it seeks information protected from discovery by any applicable
7 privilege, immunity, or protection.

8 Subject to and without waiving these objections, StarKist is willing to meet and
9 confer with Plaintiffs about this Request.

10 **REVISED REQUEST FOR PRODUCTION NO. 49**

11 All Documents and Communications relating to or concerning the services
12 Dongwon performs for You.

13 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 49**

14 StarKist hereby incorporates by reference its General Objections. StarKist further
15 objects on the basis that this Request is overbroad and unduly burdensome and seeks
16 information that is not proportional to the needs of discovery in this case, particularly in its
17 use of the phrase “[a]ll Documents and Communications” and in its purported inclusion of
18 services unrelated to any issue in the Action. StarKist further objects to this Request as
19 vague and ambiguous, particularly with respect to the terms “services” and “performs.”
20 StarKist further objects to this definition to the extent it seeks information from Dongwon
21 Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist
22 further objects to the Request to the extent that it seeks information that is publicly
23 available and/or can be obtained from sources that are more convenient, less burdensome,
24 or less expensive. StarKist further objects to this Request to the extent it seeks information
25 not within the possession, custody, or control of StarKist. StarKist further objects to the
26 Request to the extent that it seeks information protected from discovery by any applicable
27 privilege, immunity, or protection.

28

REVISED REQUEST FOR PRODUCTION NO. 50

All Documents and Communications between You and Dongwon regarding dolphin safety, sustainable sourcing of tuna, Bycatch, FADs, fishing methods, pricing of U.S. tuna products, and suppliers of U.S. tuna products.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 50

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrase “[a]ll Documents and Communications” and in light of the Discovery Order holding that discovery requests “relating to sustainability should be narrowed to . . . relate to dolphin harm and/or dolphin mortality.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the phrase “Documents . . . between” and the terms “sustainable sourcing” and “suppliers.” StarKist further objects to this definition to the extent it seeks information from Dongwon Industries Co. Ltd., which has been dismissed from this Action with prejudice. StarKist further objects to this Request to the extent it seeks information not within the possession, custody, or control of StarKist. StarKist further objects to the Request to the extent that it seeks information protected from discovery by any applicable privilege, immunity, or protection.

REVISED REQUEST FOR PRODUCTION NO. 51

All Documents identifying any consumers who purchased Your Products, including all names, email, mailing, and/or street addresses, and any information regarding their specific purchases of your Products.

RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 51

StarKist hereby incorporates by reference its General Objections. StarKist further objects on the basis that this Request is overbroad and unduly burdensome and seeks information that is not proportional to the needs of discovery in this case, particularly in its use of the phrases “[a]ll Documents,” “any consumers,” and “any information.” StarKist further objects to this Request as vague and ambiguous, particularly with respect to the

1 terms “identifying” and “specific purchases.” StarKist further objects to the Request to the
2 extent that it seeks information that is publicly available and/or can be obtained from
3 sources that are more convenient, less burdensome, or less expensive. StarKist further
4 objects to this Request to the extent it seeks information not within the possession, custody,
5 or control of StarKist. StarKist further objects to the Request to the extent that it seeks
6 information protected from discovery by any applicable privilege, immunity, or protection.

7 Subject to and without waiving these objections, StarKist is willing to meet and
8 confer with Plaintiffs about this Request.

9 **REVISED REQUEST FOR PRODUCTION NO. 52**

10 All insurance policies or indemnification agreements or other documents, that may
11 provide coverage to You for any of the claims or causes of action asserted in this action, or
12 that may provide reimbursement for payments made in defense of this action, and
13 correspondence concerning coverage related to this action.

14 **RESPONSE TO REVISED REQUEST FOR PRODUCTION NO. 52**

15 StarKist hereby incorporates by reference its General Objections. StarKist further
16 objects on the basis that this Request is overbroad and unduly burdensome and seeks
17 information that is not proportional to the needs of discovery in this case. StarKist further
18 objects to this Request as vague and ambiguous, particularly with respect to the phrases
19 “other documents” and “may provide,” and the terms “coverage” and “reimbursement.”
20 StarKist further objects to the Request to the extent that it seeks information protected from
21 discovery by any applicable privilege, immunity, or protection. StarKist further objects to
22 this Request to the extent it calls for information that is subject to third-party confidentiality
23 restrictions.

24 Subject to and without waiving these objections, StarKist states that it is not
25 presently aware of any insurance policies, indemnification agreements, or other documents
26 that may provide coverage or reimbursement for defense costs in connection with this
27 action.

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1 Dated: October 26, 2020

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